

CH IV

Classified Information Protection

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In a certain sense, the fundamental basis for physical security regulations, procedures, and practices is expressed in the following statements in Executive Order No. 10501 on Safeguarding Official Information in the Interests of the Defense of the United States:

The possession or use of classified defense information or material shall be limited to locations where facilities for secure storage or protection thereof are available by means of which unauthorized persons are prevented from gaining access thereto.

Knowledge or possession of classified defense information shall be permitted only to persons whose official duties require such access in the interest of promoting national defense and only if they have been determined to be trustworthy.

These statements are taken from the Executive Order (E.O.) No. 10501 which was issued in November 1953. This ~~was~~ superseded E.O. 10290 of September 1951. Until this latter date there had been no rules concerning classified material which applied to all government departments and agencies. Previous to World War II the volume of what came to be called classified material was relatively very small, existing principally in the War Department, the Navy, and at State Department. There were no standards for its protection,

no government-wide rules applying to its handling. The three departments made their own regulations, although they compared them with one another and they generally were in agreement. The Coordinator of Information (COI) was an Army officer, and while COI was a civilian agency, it shortly became the Office of Strategic Services (OSS), a part of the military under the Joint Chiefs of Staff, and the rules under which it worked naturally followed those of the Army. The War Department had its Army Regulations (AR) No. 380-5 on "Safeguarding Military Information." These were the basis for the development of the rules on Classified Information Protection.

1. Classification Categories.

The current E.O. 10501 in defining classified information attempts to give an explanation of why it is necessary. As an introduction, it is stated that the people have an essential right to be informed concerning the activities of their government. But the defense of the nation requires the ability of the government to protect itself against hostile or destructive action by other countries. The protection must be against overt or covert action by others, and must be against espionage as well as military action. Some information concerning or affecting national defense must be protected from disclosure to others than those the government ^{authorizes} ~~authorizes~~ to have it.

This might be started in other ways. The government does things or plans things in the interest of the national defense which would lose some or all of their value if information concerning them were available to, or got in to the hand of, persons who do not need to have knowledge of it, or are not authorized to have it. The documents or material containing the information that requires protection, must be used, sent places, and stored safely when not in use. So it is necessary to have an apparatus or system protecting it from unauthorized persons wherever it is. These rules are published so they may be available to the personnel at the places where the information is kept or handled. This is what the E.O. does, sets out the rules for handling the classified material.

All the material requiring protection in the interests of national defense is not of the same nature. Some of it is of greater importance or of higher sensitivity than others. There are degrees of harm or of damage that would result to the national interest, or to the defense of the nation, though its disclosure to hostile or unauthorized persons. So the material or information is placed in several categories or classes. It is "classified" into these categories, and this is whence the term "classified information or material."

Previous to World War II there was no "Top Secret" category.

The highest category was "Secret." The other categories, in descending order, were "Confidential" and "Restricted." At the time in July 1941 that COI was created the AR 380-5 in effect was that which the War Department had issued on 18 June 1941. Under this issuance the definitions of the classification categories were:

Secret - that material the unauthorized disclosure of which "might endanger national security, cause serious injury to the interest or prestige of the nation or any governmental activity, or would be of great advantage to a foreign nation." Examples given were war plans; documents relating to the design~~ing~~ new materials requiring protection; codes, cyphers, and cryptographic devices used for Secret information; certain maps and photographs; and information or material classified as such by a Chief of an Arm or Service

Confidential - that material the unauthroized disclosure of which would not endanger national security, but might be prejudicial to the interest or prestige of the United States, a government activity, or an individual, or might be of advantage to a foreign nation. Examples given were regulations governing joint action of the Army and Navy; documents relating to mobilization; information on the strength of garrisons in overseas departments; certain reports, orders, or instructions pertaining to investigations and special assignments of individuals; certain maps and photographs which were not Secret; and codes, etc., used to transmit Confidential material.

Restricted - material for official use only, or determined as necessary to deny to the general public because of administrative privacy. 1 /

COI started the conduct of its intelligence activities using these AR 380-5 categories for its "Classified Matter." Influenced

by the British services who convinced their American counterparts in the beginning of joint intelligence activities, COI adopted the British practice of placing material of the highest sensitivity into a higher category of classified mater called "Most Secret." 2/ For itself, COI in its Security Regulations of 20 December 1941 listed "Classified Matter," as differentiated from "Free Matter," in the following simple terms:

Most Secret: Intended only for the use of Coordinator of Information.

Secret: Of such nature that its disclosure might endanger the national security, or cause serious injury to the interest or prestige of the Nation or any government activity thereof.

Confidential: Of such nature that its disclosure, while not endangering the national security, would be prejudicial to the interest or prestige of the Nation or any government activity thereof.

Restricted: Of such nature that its disclosure should be limited for reasons of administrative privacy; or is matter not classified as confidential because the benefits to be gained by a lower classification outweigh the value of the additional security obtainable from the higher classification. 3/

COI continued the use of ~~"Most Secret"~~ ^{"Most Secret"} as the top classification for documents, mentioning this in the Special Instructions issued by the Security Office in May 1942. The Army did not adopt that category, and the new issuance of AR 380-5 in September 1942 still had "Secret"

as its top category. When OSS started in June 1942 it must have had the "Most Secret" documents that there had been in COI, but this category was not mentioned in the first Security Regulations issued on 23 February 1943. Such Regulations stated nothing further than that the safekeeping of Secret, Confidential, and Restricted documents was of prime importance. OSS apparently was keeping in accordance with AR 380-5.*

The new issuance of AR 380-5 on 15 March 1944 was the first to set forth the classification category of Top Secret. It described this classification as follows:

Certain secret documents, information, and material, the security aspect of which is paramount, and whose unauthorized disclosure would cause exceptionally grave damage to the nation shall be classified TOP SECRET.


Among the examples given of matter which "normally will be graded Top Secret," was the following:

Information of the methods used or success obtained by our Intelligence Services and Counterintelligence Service or which would imperil agents.

* See Chapter II, Pg. 27.

The addition of this higher category did not change the definition of Secret, which still was material the unauthorized disclosure of which "would endanger national security." 4 /

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OSS followed along with AR 380-5. Its Security Order  was revised on that same date of 15 March 1944 to include under classified material the category of Top Secret.*

Under CIG the first proposed security regulations were drafted ~~under the then~~ ~~then there was the~~ Security Branch in the Central Planning Staff, and these were called "Special Security Instructions For CIG," intended to be read by incoming employees at the time they executed their secrecy agreements. This 15-page draft dated 22 April 1946 included regulations on handling Classified Matter, defining Top Secret in the same wording as in AR 380-5 of March 1944 and stated:

All classified documents will be handled in strict accordance with paragraphs 25-29, AR 380-5, ~~the~~ paragraphs (14) - (17), Article 76, US Navy Regulations, 1920, which are the same in substance. All personnel connected with the transmission of documents must thoroughly familiarize themselves with the above cited paragraphs of either the Army or Navy regulations, and will be tested on same at a future date. 5 /

* See Chapter II, Pg. 28.

Although such draft of Security Instructions for CIG was not adopted, a shorter one with a similar heading was, and each new employee entering on duty signed one to acknowledge having read it. One such form executed on 24 March 1947 contained the following:

Army Regulations No. 380-5 (6 March 1946) and Article 76, U.S. Navy Regulations, 1920, as amended, contain detailed regulations for the safeguarding of information affecting the National Security. The provisions of these regulations, which are the same in substance, are applicable to the Central Intelligence Group and will govern security procedures therein. 6 /

The War Department, following its AR 380-5 of March 1946, referred to in these CIG Special Security Instructions, published a new issuance of AR 380-5 dated 15 August 1946. This booklet of 43 pages on "Safeguarding Military Information" was the first to go into considerable detail to explain, define, and attempt to regulate classified material. It contained the following relevant provisions:

Sec. 1, General, Par. 3, Definitions -

e. Classified military information. - Classified military information is military information which requires grading to indicate the degree of precaution necessary for its safeguarding.

Par. 4 Categories. - Official matter requiring classification shall be examined, graded, and marked top secret, secret, confidential, or restricted. Top secret is a special grading given to certain secret matter.

Par. 5. Top secret matter. - a. When classified top secret. - Certain secret documents, information, and material, the security aspect of which is paramount, and whose unauthorized disclosure would cause exceptionally grave damage to the Nation shall be classified TOP SECRET.

There followed seven examples of matter which it said normally would be graded Top Secret. Six of these concerned war, military, or political documents, but one of them specifically mentioned intelligence material as an example of Top Secret in these words:

(4) Certain information of the methods used or success obtained by our Intelligence Services and Counter-intelligence Services or information which would imperil secret agents.

The definition given for Secret matters was of material the unauthorized disclosure of which would "endanger national security" or injure the interests or prestige of the nation, or would be of "great advantage" to a foreign nation. There were seventeen examples of what should be graded Secret but none of these mentioned or particularly apply to intelligence material.

The definition of Confidential was matter whose unauthorized disclosure would not endanger the national security, but would be "prejudicial" to the interests or prestige of the Nation, or would cause "administrative embarrassment." It is noteworthy that, among the many examples of matter to be graded Confidential, there

was listed "Routine intelligence reports."

The definition of Restricted was matter which had not been given one of the three higher classification, but should not be published except for official purposes. None of the examples cited refer to intelligence material. 7 /

It was at this point that the Security Advisory Board (SAB) of the State-War-Navy Coordinating Committee (SWNCC) picked up the further development of rules and regulations concerning classified material. The details of the relations between CIG and SAB have been given in a previous Chapter.* Beginning in April 1946 SAB started to draft regulations which the State, War, and Navy departments were attempting to impose upon the other departments and agencies of the Government. Those three departments claimed they were the largest producers of classified information, and were drafting the rules for the "non-military" other parts of the government, in which latter class they said CIG belonged. CIG protested against this, itself being a substantial producer of classified information, and some of its people wanted to participate in the forming

* See Ch. II, Section D, Subsection 2, Pgs. 67-84.

of the rules. While neither this particular effort of SAB, nor the desires of CIG, went through at the time, SAB did prepare a draft of rules for other agencies on the classification of materials. 8/

This SAB draft proposal gave the following definitions of the listed classification categories, without the citing of examples:

TOP SECRET information is information, the security aspect of which is paramount, and the unauthorized disclosure of which would cause exceptionally grave damage to the nation.

SECRET information is information, the unauthorized disclosure of which would endanger national security, or cause serious injury to the interests or prestige of the nation or any governmental activity thereof.

CONFIDENTIAL information is information the unauthorized disclosure of which, although not endangering the national security, would be prejudicial to the interests or prestige of the nation, any governmental activity thereof, an individual, or would cause administrative embarrassment or difficulty.

RESTRICTED information is information which should not be published or communicated to anyone except for official purposes.

This particular effort of SAB was not effective, but in March 1947 it was authorized by an E.O. to draft rules for the handling of classified information applicable to all the departments and agencies of the government, not just those who were not represented on SWNCC. This would result in E.O. No. 10290 in September 1951. Before such latter time, CIG went ahead and made up its own rules.

There was prepared and issued in CIG as of 15 August 1947 a printed booklet entitled "Security Regulations - Central Intelligence Group." This rather comprehensive and carefully prepared set of security regulations was quite a while in preparation. Its Section IV on "Security of Classified Documents" was the first time the Agency itself had set out rules for classified material, instead of relying on those issued by the War Department. These security regulations, in other matters as well as on classified materials, remained in effect and general use, with minor amendments, under CIA until April 1951. 9 /

Definitions on categories of classified material given in such 1947 CIG regulations were as follows:

TOP SECRET: Only that material or information, the unauthorized disclosure of which might cause exceptionally grave damage to the Nation, will be classified TOP SECRET. As a general rule, TOP SECRET matter in time of peace will be limited to that which, if disclosed without authorization, would reasonably be expected to lead directly to a definite break in diplomatic relations, or to a war, or have other exceptionally grave consequences.

Examples: Information . . . regarding . . . negotiations with foreign governments on matters of great delicacy. Information or intelligence material containing indications of sources of intelligence which the United States must protect. Information . . . of new devices or methods of warfare

SECRET: Information or material, the unauthorized disclosure of which might endanger national security, seriously jeopardize the international relations of the United States, or endanger the effectiveness of a program or policy of great importance to this Government, will be classified SECRET.

Examples: . . . Certain highly important intelligence reports, including reports on subversive activities

CONFIDENTIAL: Information or material, the unauthorized disclosure of which would not endanger national security, but which might prejudice the national interest or the work of any U.S. Government agency by interfering with the development or carrying out of important policy, or by hampering negotiations in progress; might cause serious administrative difficulties; or might result in unwarranted embarrassment of individuals, will be classified CONFIDENTIAL.

Examples: Important intelligence reports

RESTRICTED: Information or material which does not fall within higher categories, but which should not be communicated outside the Government of the United States without adequate clearance, will be classified RESTRICTED.

Examples: . . . Routine internal reports

The culmination of the work of SAB in developing rules to apply for the protection of classified material was E.O. 10290 of 24 September 1951. The press release accompanying it stated that it provided, for the first time, uniform standards for classifying and protecting security information throughout the Government. The Order did not, however, give any specific definition of the

categories. The existing categories were continued, with the additional provision that the words "Security Information" had to be added to the classification marking. Relevant provisions of the E.O. were:

2. Categories of Classified Security Information -

There shall be four categories of classified security information which, in descending order of importance to national security, shall carry one of the following designations: "Top Secret"; "Secret"; "Confidential"; and "Restricted"; in addition to being specifically identified as "Security Information." No other classification or classifications shall be used to designate classified security information.

15. Security Classification - The term "security classification" as used herein means the category into which information falls as specified in paragraph 2 of Part I hereof. Extreme care should be exercised to insure that a particular security classification is assigned only to such information as requires the degree of protection made applicable by these regulations to that classification.

25. General Classification Principles -

. . . b. Use of Lowest Consistent Classification.
. . . Use of the classification "Top Secret" combined with the identification "Security Information," shall be held to an absolute minimum. Such classification shall be given only to information which plainly requires the highest degree of protection in the interest of national security. The major criterion for the assignment of this classification shall be recognition of the fact that unauthorized disclosure of information so classified would or could cause exceptionally grave danger to the national security. The classification "Secret" combined with the identification "Security Information" shall be given only to information which requires extraordinary protection in the interest of

national security. The classification "Confidential" combined with the identification "Security Information" shall be given to such information as requires careful protection in order to prevent disclosures which might harm national security. The classification "Restricted" combined with the identification "Security Information" shall be applied to information having such bearing upon national security as to require protection against unauthorized use or disclosure, particularly information which should be limited to official use. 10/

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Source References

1. Memorandum dated 11 February 1971 giving information resulting from examination of the files on Army Regulation 380-5 at the Army Library, the Pentagon. U.
2. Memorandum of interview with [REDACTED] CIA Historical Staff, on 28 October 1970, on subject of the Origin of Classified Materials Controls. S.
3. COI Administrative Order [REDACTED] Revised, on the subject of Security Regulations, dated 20 December 1941, Pg. 39a. U.
4. Op. cit., No. 1, examination of files at Army Library on AR 380-5. U.
5. Draft of Memorandum by the Acting Chief, Central Planning Staff CIG for the DCI, attaching a draft of Special Security Instructions For CIG, dated 22 April 1946. C.
6. Special Security Instructions for Personnel Assigned to or Attached for Duty With the Central Intelligence Group, taken from a personnel file which notes its signed acknowledgment of having read on 24 March 1947. C.
7. Army Regulations No. 380-5 issued by the War Department, dated 15 August 1946. U.

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8. Memorandum by Secretary of Security Advisory Board to CIG dated 24 December 1946, on subject of Classification, Declassification, and Downgrading Procedures, with attachment. U.

9. Security Regulations, Central Intelligence Group, issued on 15 August 1947. R.